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| 10/568,667 | 02/16/2006 | Philippe Garreau | REGIM33082 | 9637 |

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| EXAMINER |
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DOLE, TIMOTHY J

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2858

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05/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/568,667 | Applicant(s) GARREAU ET AL. | |
| | Examiner Timothy J. Dole | Art Unit 2858 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/2/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: claim 3 recites the limitation "said plurality of test antennae" on lines 4-5, which lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishihara et al. (US 5,134,405).

Referring to claim 1, Ishihara et al. discloses an apparatus for studying the electromagnetic behavior of an electromagnetic wave-emitting or electromagnetic wave-receiving tool, said apparatus comprising: an anechoic chamber (fig. 1 (10)) configured to receive the tool (fig. 1 (16)) as well as a person handling the tool (column 4, lines 37-39); at least one analysis antenna (fig. 1 (18)) configured to pick-up the electromagnetic waves emitted from or received by the tool (column 4, lines 25-32); means (fig.1 (20)) for processing signals outputted by said at least one analysis antenna to form a video display signal (column 4, lines 25-35); means (fig. 1 (21) and (22)) for displaying a

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radiation diagram associated with the tool based on the video display signal (column 4, lines 32-35), said means for displaying the radiation diagram being disposed inside the anechoic chamber so that the person handling the tool observes how the handling of the tool affects its electromagnetic behavior (column 3, lines 10-17, column 4, lines 35-39, and column 5, line 63 – column 6, line 7).

Referring to claim 9, Ishihara et al. discloses the apparatus as claimed, further comprising a seat (fig. 2 (15)) configured to accommodate the person handling the tool (fig. 2) and a support (fig. 2 (15)) for supporting an arm of the person, said seat being adjustable (fig. 2) to allow repositioning of the body of the person at a given body position and said support being adjustable (fig. 2) to allow repositioning of the arm at given arm position relative to the body position to allow successive use of a telephone held at the given arm position while substantially avoiding changes to the body position. It should be noted that the table of figure 2 is able to support both a person and a person's arm and is adjustable since the table may be moved or turned to any desired position in the chamber.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara et al. (applied above) in view of McKivergan (US 6,329,953).

Referring to claim 2, Ishihara et al. discloses the apparatus as claimed except wherein said at least one analysis antenna includes a plurality of analysis antennae that encircle the tool.

McKivergan discloses an anechoic chamber (fig. 6 (16)) that includes a plurality of analysis antennae (fig. 6 (15)) that encircle the tool (fig. 6 (2)).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the plurality of analysis antennae of McKivergan into the apparatus of Ishihara et al. for the purpose of providing a more complete analysis of the tool.

Referring to claim 3, Ishihara et al. discloses the apparatus as claimed except for means for automatically producing a relative rotation between said plurality of test antennae and the tool about an axis of rotation that is substantially a diameter of a circle formed by said plurality of analysis antenna.

McKivergan discloses means (fig. 6 (3), (5) and (6)) for automatically producing a relative rotation (fig. 6 (Rotation)) between said plurality of analysis antennae and the tool (fig. 6) about an axis of rotation that is substantially a diameter of a circle formed by said plurality of analysis antenna (fig. 6).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the rotation means of McKivergan into the apparatus of Ishihara et al. for the purpose of providing a more complete analysis of the electromagnetic tool.

6. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara et al. (applied above).

Referring to claim 4, Ishihara et al. discloses the apparatus as claimed wherein said means (fig. 1 (21) and (22)) for displaying the radiation diagram of the tool (fig. 1 (16)) includes a display screen (fig. 1 (21)).

Ishihara et al. does not disclose the display screen is placed on an inside wall of said anechoic chamber. Instead, Ishihara et al. discloses the display can be viewed from inside the chamber through a window (fig. 1 (22)). MPEP 2144.07 states that art that is recognized as being suitable for an intended purpose is obvious in view of the prior art. Since the current application and the prior art disclose the intended purpose of the display screen and the window is to provide information to a person inside the anechoic chamber (column 3, lines 10-17, column 4, lines 35-39, and column 5, line 63 – column 6, line 7), the claims are not patentably distinct over Ishihara et al.

It would have been obvious to one skilled in the art at the time of the invention to incorporate the display screen into the inside chamber wall of Ishihara et al. for the purpose of providing a more compact and inclusive display area.

Referring to claim 5, Ishihara et al. discloses the apparatus as claimed except wherein said means for displaying the radiation diagram of the tool includes viewing goggles wearable by the person handling the tool or by another person, located in said anechoic chamber. It should be noted that wearing goggles is standard safety practice for all personnel involved in any kind of testing environment.

It would have been obvious to one skilled in the art at the time of the invention to incorporate the wearing of goggles into the apparatus of Ishihara et al. for the purpose of providing protection to the personnel involved in the testing process.

Referring to claims 6-8, Ishihara et al. discloses the apparatus as claimed except wherein said display screen includes a monitor screen or an optical projection screen and has a viewing surface substantially aligned with the plane of one of the walls of said anechoic chamber, wherein said display screen is a liquid crystal display screen or a plasma monitor display screen. It should be noted that while Ishihara et al. simply discloses a monitor (fig. 1 (21)) for displaying data, the state of the art with respect to monitors and displays shows that monitors can take the form of any of the following: liquid crystal displays, plasma monitors, and projection screens.

It would have been obvious to one skilled in the art at the time of the invention to incorporate the various available monitors into the apparatus of Ishihara et al. for the purpose of providing a clear, reliable display for viewing data.

Response to Arguments

7. Applicant's arguments filed February 26, 2007 have been fully considered but they are not persuasive.

8. In response to Applicants argument with respect to claim 1, that Ishihara does not disclose means for displaying a radiation diagram disposed inside an anechoic chamber, it should be noted that Ishihara discloses the limitations as claimed. Ishihara discloses a monitor and window to display information to an engineer inside the chamber (column 4, lines 32-39). Since

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the window is inside the chamber, there is means for displaying a radiation diagram disposed inside the anechoic chamber, as shown in the rejection above.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

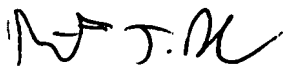
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Dole whose telephone number is (571) 272-2229. The examiner can normally be reached on Mon. thru Fri. from 8:00 to 4:30.

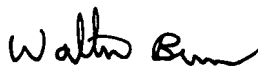
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJD




WALTER BENSON, PHD, P.E.
PRIMARY EXAMINER